



# MEMORANDUM

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DATE: July 18, 2018  
For August 2, 2018 Hearing

TO: Zoning Examiner

FROM: Scott Clark  
Planning & Development Services  
Interim Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-18-12 Bonanza 550 LLC – Bonanza Avenue, SR to R-1 (Ward 2)

**Issue** – This is a request by Chuck Martin of Rick Engineering, on behalf of the property owner, Bonanza 550 LLC, to rezone approximately 10.4 acres from SR to R-1 zoning. The rezoning site is located on the southeast corner of Bonanza Avenue and Colette Street (see Case Location Map). The preliminary development plan (PDP) proposes a single-family residential subdivision with twenty-nine homes at a density of 2.79 units per acre. Sixteen of the homes, near the perimeter of the rezoning site, are proposed as single-story homes, and the remaining thirteen are proposed as two-story homes with a maximum height of 25 feet.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of R-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Vacant

## **Zoning Descriptions**

SR: This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

R-1: This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned RX-1; Single-family residential and religious use  
South: Zoned RX-1; Single-family residential  
East: Zoned RX-1; Single-family residential  
West: Zoned R-1; Single-family residential

Previous Cases on the Property: none

Related Cases:

C9-16-03 Pepper Viner – Pima Street, SR to R-1 This was a rezoning request for approximately 8.99 acres located on the southwest corner of Pima Street and Fremming Avenue, to allow a residential subdivision for the development of 54 one-story and two-story single-family homes at a density of 6 units per acre. On June 7, 2016, the Mayor and Council adopted Ordinance No. 11371.

C9-14-09 School Yard – Wrightstown Road, RX-1 to R-1 This was a rezoning request for approximately 9.25 acres located on the southwest corner of Wrightstown Road and Avenida Ricardo Small, to allow the development of 56 one-story and two-story single-family residential units, for a density of 6.05 units per acre. On July 7, 2015, the Mayor and Council adopted Ordinance No. 11290. On September 16, 2015, a subdivision plat was recorded effectuating the R-1 zoning.

C9-12-11 Mahalo Properties – Wrightstown Road, RX-1 to R-1 This was a rezoning request for approximately 4.56 acres located on the south side of Wrightstown Road, to allow the development of 12 lots with one-story single-family residential units, for a density of 2.63 units per acre. On November 6, 2013, Mayor and Council adopted Ordinance No. 11124. On May 23, 2013, a subdivision plat was recorded effectuating the R-1 zoning.

C9-01-25 Kemmerly Company – Camino Seco RX-1 to R-1 This was a rezoning request for approximately 10.35 acres, located on the southeast corner of Wrightstown Road and Camino Seco, to allow the development of 42 lots with a mix of one-story and two-story residential units, for a density of 4.05 units per acre. On June 3, 2002, Mayor and Council adopted Ordinance No. 9711. On January 9, 2003, a subdivision plat was recorded effectuating the R-1 zoning.

**Applicant's Request** – The applicant proposes to rezone 10.4 acres from SR to R-1 to allow a single-family residential subdivision with 29 one-story and two-story homes at a density of 2.79 units per acre. Sixteen homes located near the edges of the development will be one-story construction, with the remaining thirteen homes, closer to the center of the site, proposed as two-story construction.

**Planning Considerations** – Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson (PT)*. The rezoning site is located in an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *PT*. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods where minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment, new services and amenities that contribute further to neighborhood stability. Within Existing Neighborhoods, *PT* supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses. Policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat.

The goal of the *Pantano East Area Plan* is to preserve the integrity of established neighborhoods and promote residential infill of vacant land where adequate provisions of streets and utilities are available, and to promote low-density residential developments within the interior of established low-density neighborhoods. In addition, the *PEAP* promotes residential clustering and design flexibility in development by encouraging the use of planned unit developments, lot development options, and residential development projects that include defensible space concepts. The *PEAP* defines low-density residential as up to six units per acres. At 2.79 units per acre, the proposed density is supported by the *PEAP* if project design is compatible with the adjacent development.

The rezoning site is surrounded on three sides by local streets—Bonanza Avenue to the west, Constitution Avenue along a portion of the east perimeter, and Colette Street along a portion of the north perimeter. Vehicular access will be by way of new public streets from Bonanza Avenue to the west and Constitution Avenue to the east. Two lots will have direct access to Bonanza Avenue. There is no direct access proposed to Colette Street to the north.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 278 vehicle trips per day.

### **Design Considerations**

**Land Use Compatibility** – The rezoning site is roughly square in shape and as noted above is bounded by public streets on the west side, a portion of the north side, and a portion of the east side. The area surrounding the rezoning site to the east, south, and north is low-density, detached single-family residential development zoned RX-1 at a density of approximately 1 to 1.5 units per acre. There is also a church located across Colette Street to the north of the site on the northeast corner of Bonanza Avenue and Colette Street. To the west of the subject rezoning site, is a detached single-story, single-family residential subdivision, zoned R-1, at an approximate density of between 3 and 4 units per acre.

The Design Compatibility Report (DCR) proposes 29 lots, with detached one-story and two-story homes, designed with variations and diversity in architecture, incorporating energy conservation techniques, and with transitions in building heights and density. The DCR shows lots near the perimeter of the project to be single-story. Two-story homes will be a maximum of 25 feet tall as permitted in the R-1 zone. Staff recommends that any lot, or portion thereof, falling within 100 feet of the site perimeter be limited to one-story construction, with a structure height no greater than 18 feet. This includes lots 1 through 6 and lots 21 through 29 as shown on the submitted Preliminary Development Plan dated July 2, 2018.

The applicant held two neighborhood meetings. At the first meeting, held on April 5, 2018, there were 37 attendees plus the applicant and the project team. The plan shown at this first meeting proposed 40 lots at a density of approximately 3.8 RAC, and with homes limited to one-story only along the east half of the southern site perimeter. Issues and concerns discussed at the first meeting included the proposed residential density, number, size, and layout of the homes and lots, the height and number of stories of the homes, price range of the homes, amount of open space, flooding in the wash, access to the site, perimeter walls, property values, sewer connection and capacity, timeframe of home construction. concerns regarding traffic flow along Bonanza Avenue, and project aesthetics.

The second meeting was held on May 10, 2018, with 26 neighbors in attendance. Many of the same issues were discussed. The applicant addressed some of the concerns expressed at the first meeting by presenting a revised plan showing a reduction in the number of lots/homes from the originally proposed 40 to 29, resulting in a reduced residential density from 3.8 RAC to roughly 2.8 RAC. The revised plan also limits homes proposed near the site perimeter to single-story construction.

Drainage/Grading/Vegetation – The site is within the Este Wash watershed, which is subject to flooding. An unnamed regulatory wash (a tributary to the Este Wash), with a maximum flow rate between 500-1,000 cubic feet per second, is located within a proposed common area across the southwest corner of the site. A detention basin is proposed in the northeast corner of the site. Functional open space is provided in the northwest corner of site near the intersection of Bonanza Avenue and Colette Street. Open space common areas will be adjacent to portions of Bonanza Avenue and the northern perimeter of the site. Existing vegetation within designated common areas, including mature canopy trees and native plants, should be preserved in place to the extent possible. A native plant preservation plan, and a drainage report addressing onsite and offsite drainage and provision of 5-year threshold runoff retention will be required.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located on the east side of Bonanza Avenue, south of Colette Street, and west of Constitution Avenue. Vehicle access is proposed by way of two new 51-foot wide public streets with access onto Bonanza Avenue, and Constitution Avenue, both local streets. The nearest major arterials identified on the *Major Streets and Routes Plan* map are Speedway Boulevard, located less than ½ mile north of the site, and Houghton Road a scenic arterial located a little more than ¼ mile east of the site.

**Conclusion** – The proposed development is consistent with and supported by the policy direction provided in the *Pantano East Area Plan* and *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested R-1 zoning is appropriate.

### PROCEDURAL

1. A development package/plat in general compliance with the preliminary development package dated July 2, 2018 and required reports, covering the rezoning site is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATABILITY

6. No two adjoining lots within the subdivision shall be developed with the same model/façade.
7. Homes constructed on any lot, or portion thereof, lying within 100 feet of the rezoning site perimeter shall be limited to one-story, not to exceed eighteen (18) feet in height. This includes lots 1 through 6 and lots 21 through 29 as shown on the submitted Preliminary Development Plan dated July 2, 2018.

### ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

8. All offsite improvements required with this development, such as street improvements, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.



AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-18-12 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-18-12.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-18-12.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Owner:** \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**Owner:** \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

**By:** \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

**By:** \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

**Its:** \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

**Its:** \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

State of Arizona )  
 )  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

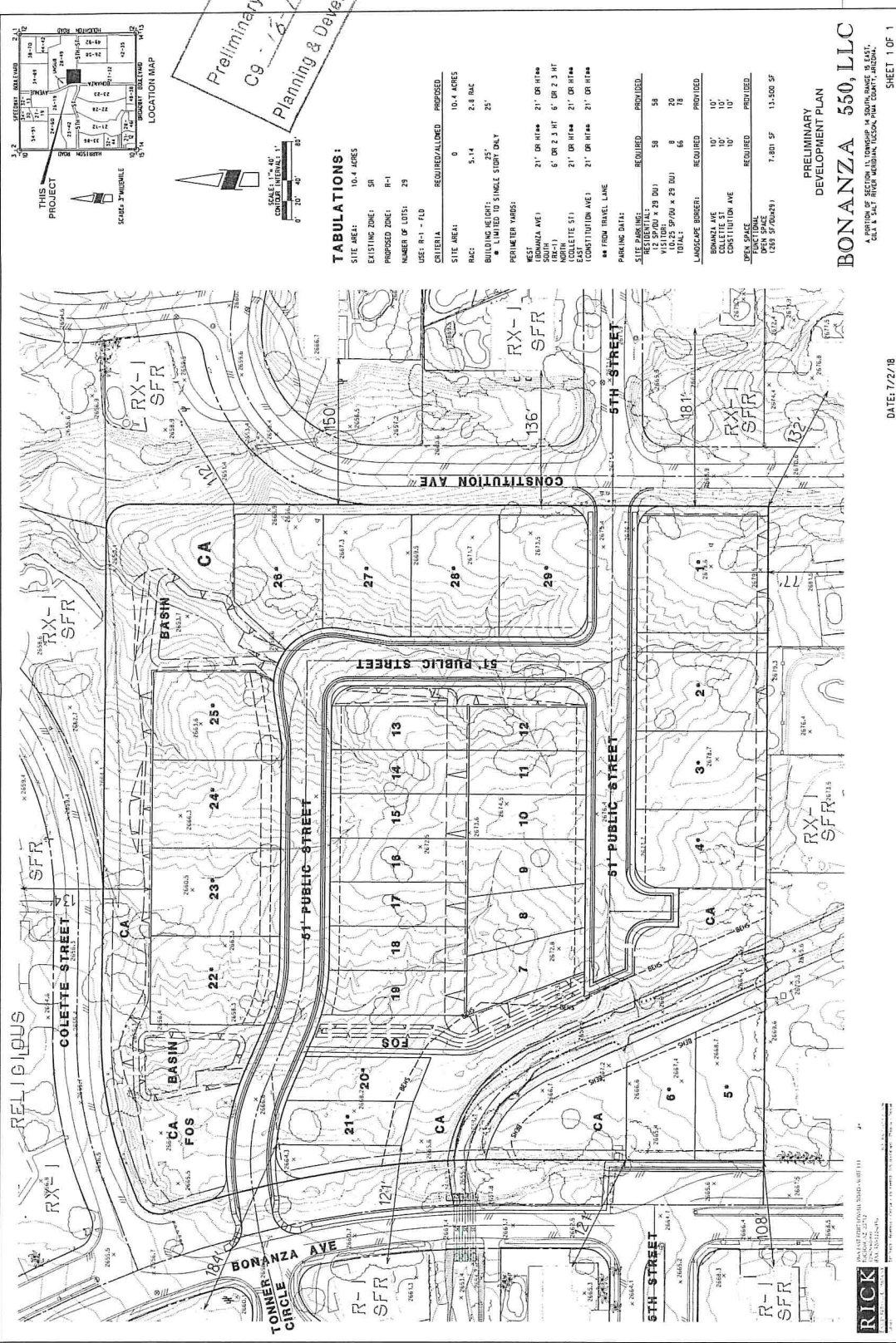
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.





Rezoning  
 Preliminary Development Plan  
 Cg - 12-12 Date 7/2/18  
 Planning & Development Services

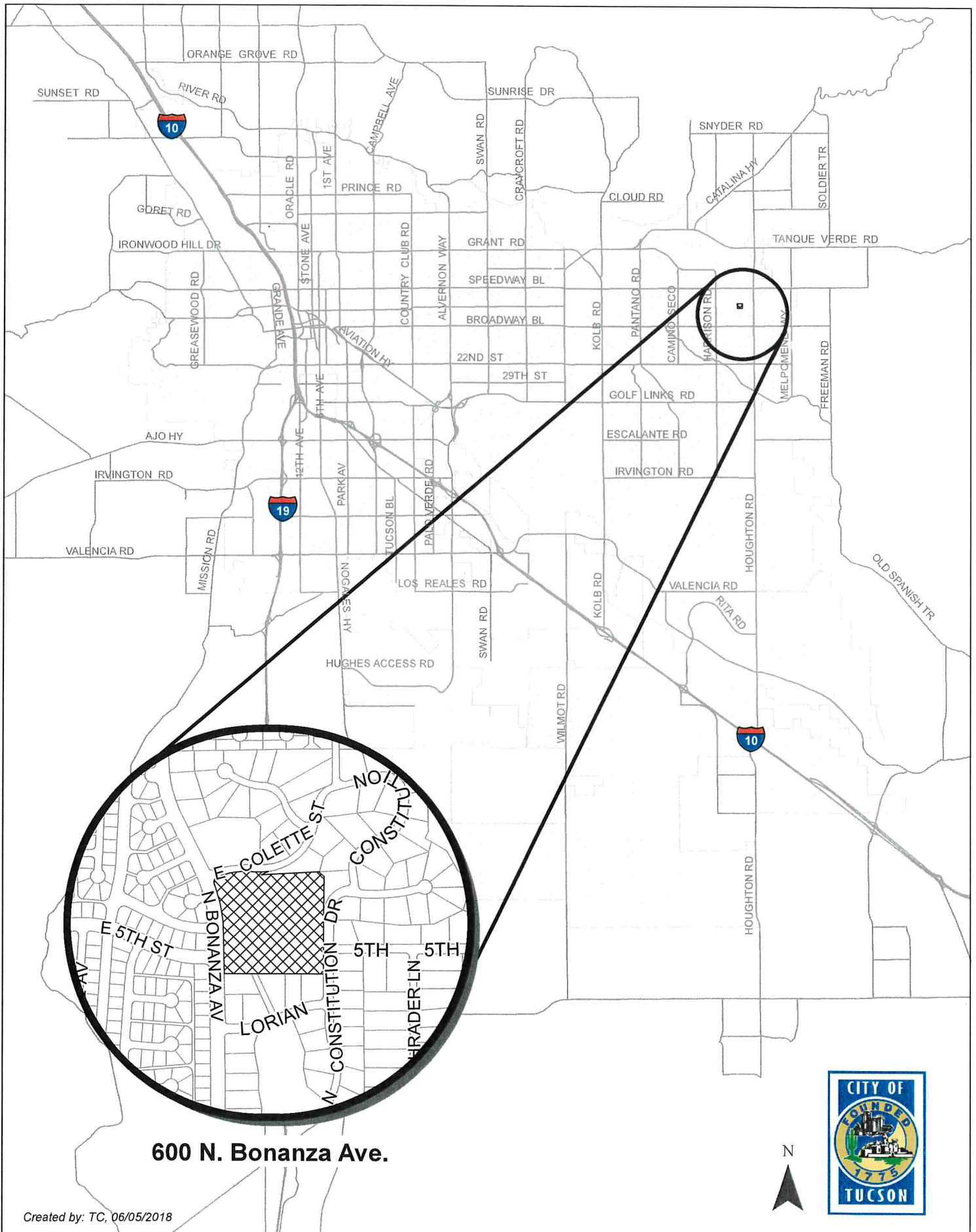
**TABULATIONS:**

|                        |                                |
|------------------------|--------------------------------|
| SITE AREA:             | 10.4 ACRES                     |
| EXISTING ZONE:         | SR                             |
| PROPOSED ZONE:         | R-1                            |
| NUMBER OF LOTS:        | 25                             |
| USE:                   | R-1 - FLD                      |
| CRITERIA               | REQUIRED/ALLOWED               |
| SITE AREA:             | 0 10.4 ACRES                   |
| RACE:                  | 5.14 2.8 RAC                   |
| BUILDING HEIGHT:       | 25' 25'                        |
| PERIMETER YARDS:       | • LIMITED TO SINGLE STORY ONLY |
| WEST                   | 21' OR H100 21' OR H100        |
| (BONANZA AVE)          | 6' OR 2.5 HT 6' OR 2.5 HT      |
| (CR-1)                 | 21' OR H100 21' OR H100        |
| NORTH                  | 21' OR H100 21' OR H100        |
| (COLLETTE ST)          | 21' OR H100 21' OR H100        |
| EAST                   | 21' OR H100 21' OR H100        |
| (CONSTITUTION AVE)     | 21' OR H100 21' OR H100        |
| ** FROM TRAVEL LANE    |                                |
| PARKING DATA:          |                                |
| SITE PARKING:          | REQUIRED                       |
| 12 SP/OU x 25' (OU)    | 58                             |
| 10.25 SP/OU x 25' (OU) | 8                              |
| 10.25 SP/OU x 25' (OU) | 20                             |
| TOTAL:                 | 66                             |
| LANDSCAPE BORDER:      | REQUIRED                       |
| BONANZA AVE            | 10'                            |
| COLLETTE ST            | 10'                            |
| CONSTITUTION AVE       | 10'                            |
| SPRINGFIELD            | 10'                            |
| OPEN SPACE             | REQUIRED                       |
| (285 SP/OU)            | 7,801 SF                       |
|                        | 13,500 SF                      |

PRELIMINARY  
 DEVELOPMENT PLAN  
**BONANZA 550, LLC**  
 PREPARED BY: RICK  
 10000 RICK BLVD, SUITE 100  
 DALLAS, TEXAS 75243-1000

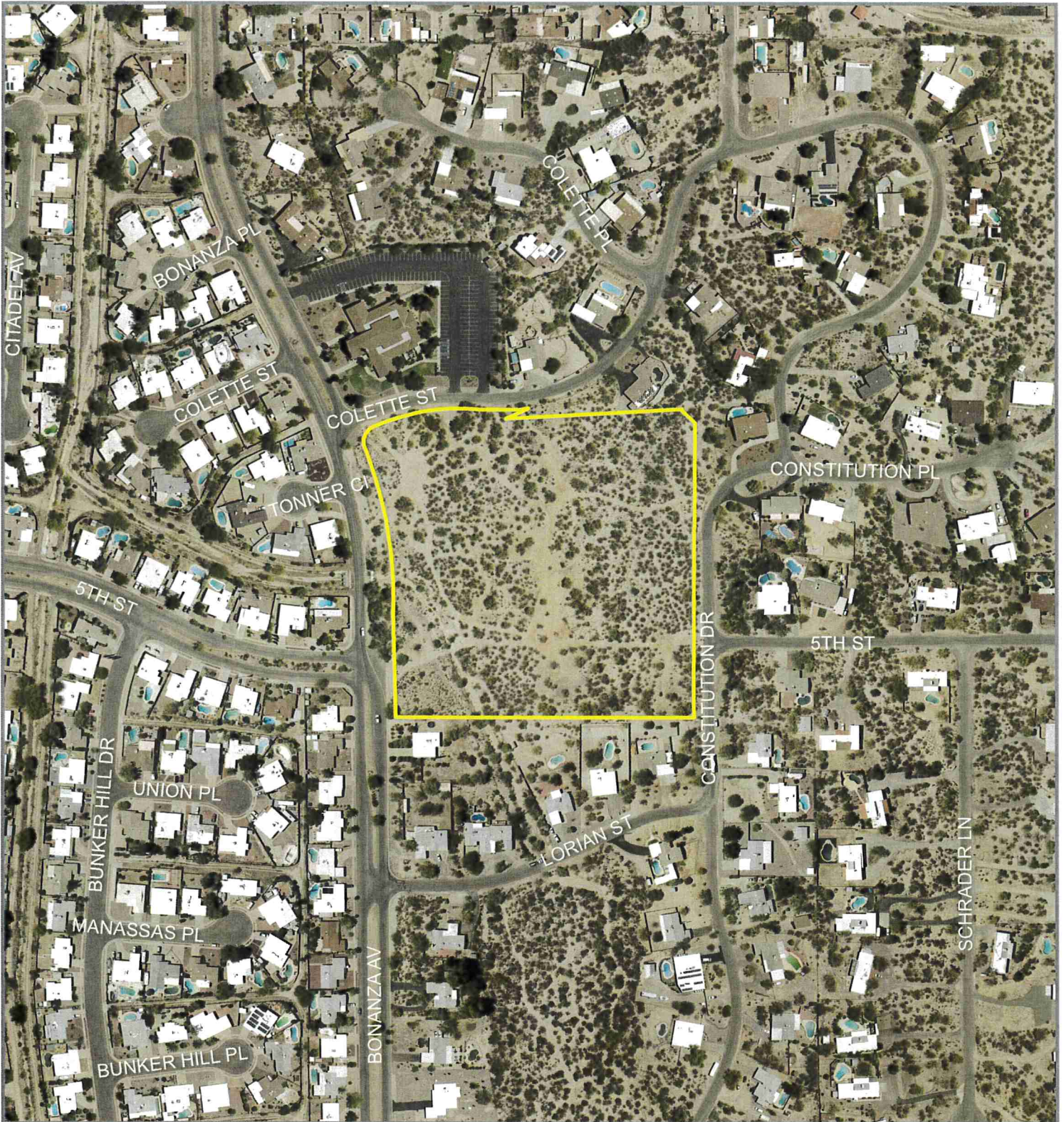


**C9-18-12 Bonanza 550 LLC - Bonanza Avenue**  
**Rezoning Request: From SR to R-1**





**C9-18-12 Bonanza 550 LLC - Bonanza Avenue**  
**Rezoning Request: FromSR to R-1**



 Subject Property

Address: 600 N. Bonanza Ave.  
Base Maps: Twp.14S Range15E Sec. 11  
Ward: 2



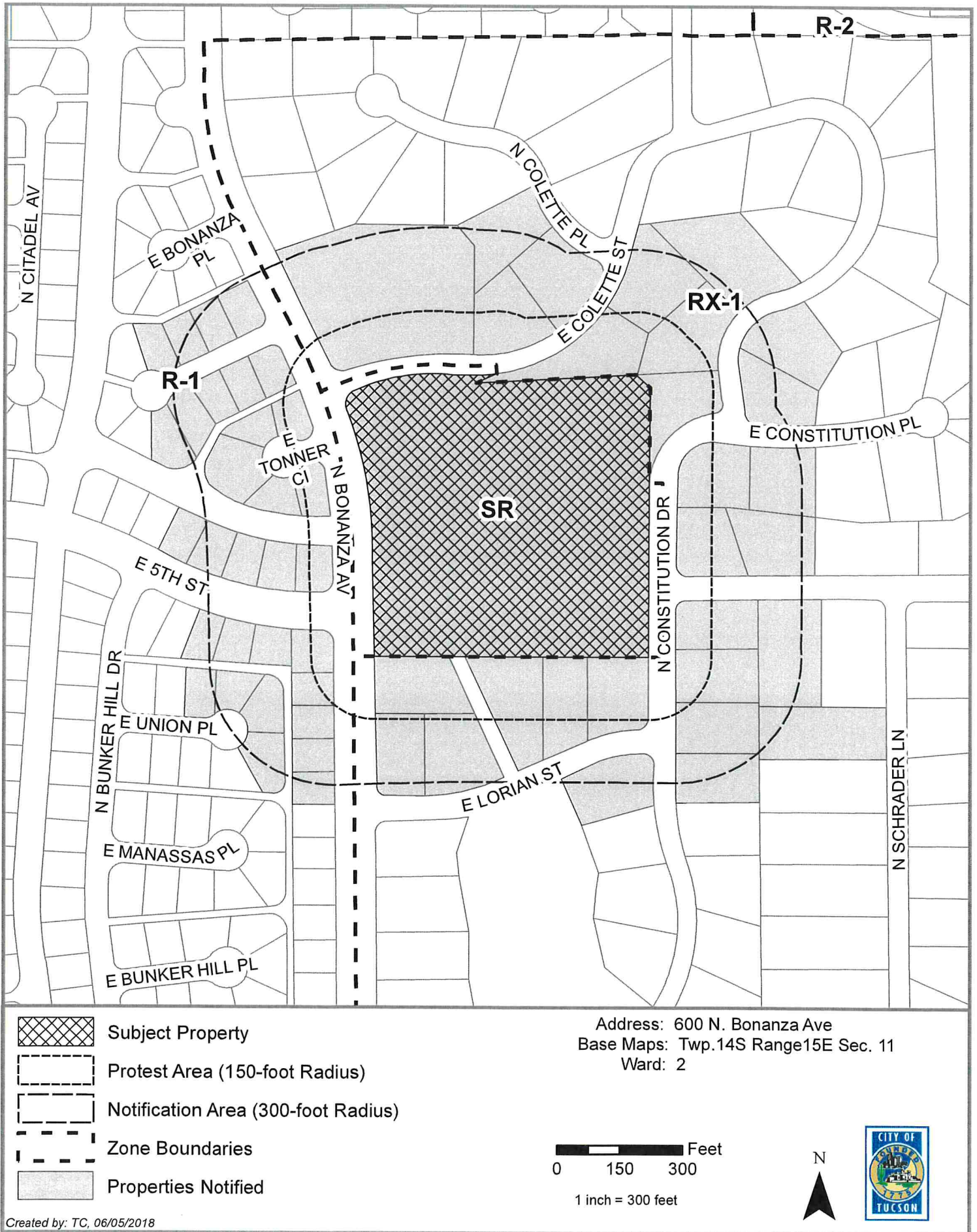
0 150 300 Feet  
1 inch = 300 feet





# C9-18-12 Bonanza 550 LLC - Bonanza Avenue

Rezoning Request: From SR to R-1





## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

If there are protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', then an affirmative vote of  $\frac{3}{4}$  of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-18-12 Bonanza 550 LLC – Bonanza Avenue, SR to R-1  
Ward 2**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning/special exception  
☐ PROTEST the proposed rezoning/special exception

**Reason:**

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| PLEASE PRINT<br>YOUR NAME | PLEASE PRINT<br>MAILING ADDRESS | PLEASE PRINT<br>LEGAL PROPERTY<br>DESCRIPTION |       |     |
|---------------------------|---------------------------------|---|-------|-----|
|                           |                                 | Subdivision                                   | Block | Lot |
|                           |                                 |   |       |     |
|                           |                                 |   |       |     |

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_



C9-18-12

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**City of Tucson** PMc  
Planning & Development Services  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-18-12  
IMPORTANT REZONING NOTICE ENCLOSED